

**MINUTES  
FREMONT CITY COUNCIL REGULAR MEETING  
SEPTEMBER 28, 2010  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

**1.1 Call to Order:** Mayor Wasserman called the meeting to order.

**1.2 Flag Salute:** Councilmember Chan led the salute to the flag.

**1.3 Roll Call:** Present: Mayor Wasserman, Councilmembers: Natarajan, Harrison, and Chan.  
Absent: Vice Mayor Wieckowski

**1.4 Announcements by Mayor/City Manager** – none.

**2. CONSENT CALENDAR**

- \* **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	Vice Mayor Wieckowski
Abstain:	None

- \* **2.2 Approval of Minutes**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council approved the minutes for the Regular Meeting and Special Meeting of September 14, 2010

Ayes:	Mayor Wasserman Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	Vice Mayor Wieckowski
Abstain:	None

- \* **2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City Council of the City of Fremont Adopting an Amendment to the Consolidated Amended and Restated Redevelopment Plan for the Fremont Merged**

**Redevelopment Project (Including Irvington, Niles, Centerville, and Industrial Areas)  
Pursuant to Health and Safety Code Section 33333.6(e)(2)(D), and Amending Related  
Ordinances in Connection Therewith**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Ordinance No. 16-2010.

Ayes: Mayor Wasserman  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: Vice Mayor Wieckowski  
Abstain: None

**\* 2.4 Mayor Wasserman opened consideration to Authorize a Resolution of Local Support for Application to the Metropolitan Transportation Commission for Federal Surface Transportation Program/Congestion Mitigation and Air Quality Improvement (STP/CMQ) Funding for the 2011 Citywide Asphalt Overlay Project, City Project No. PWC (8234-L)**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Adopted Resolution No. 2010-54, a Resolution of Local Support for STP/CMQ funding in the amount of \$3,138,000.
2. Appropriated the amount in STP/CMAQ funding approved by MTC in the amount of \$3,138,000 to 522PWC8234, the 2011 Citywide Asphalt Overlay Project, City Project.

Ayes: Mayor Wasserman  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: Vice Mayor Wieckowski  
Abstain: None

**\* 2.5 Mayor Wasserman opened consideration of Authorization to Contract with the Alameda County Public Health Department for the Health Promoter Project and to Subcontract with the Afghan Elderly Association, a Nonprofit Organization**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Authorized the City Manager or his designee to execute the FY 2010/11 agreement with the Alameda County Public Health Department in the amount of \$119,250 for the Health Promoter Project and to enter into a subcontract with the Afghan Elderly Association in the amount of \$98,900.
2. Reduced Fund 192 appropriation by \$39,750 to align with the actual contract amount.

Ayes: Mayor Wasserman  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None

\*Consent Items

Absent: Vice Mayor Wieckowski  
Abstain: None

**\* 2.6 Mayor Wasserman opened consideration to Authorize a Resolution of Local Support for Application for \$1.6 Million in Federal Surface Transportation Program/Congestion Mitigation and Air Quality Improvement (STP/CMAQ) Funding for the Midtown Streetscape Catalyst Project**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Adopted Resolution No. 2010-55, a Resolution of Local Support.
2. Authorized the City Manager to execute agreements (a) with MTC to implement the grant, and (b) with Urban Housing to facilitate coordination between the public project and the private development including allocation of responsibilities for funding, design and construction of the public improvements.

Ayes: Mayor Wasserman  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: Vice Mayor Wieckowski  
Abstain: None

**\* 2.7 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation of a General Plan Amendment For a 3.7-Acre Portion of a 5.5-acre Site From Private Open Space to Low Density Residential, 3 to 5 Dwelling Units Per Acre, and Rezoning From O-S, Open Space, to R-1-6 (H-I), Single-family Residence District (Hillside Combining District), in conjunction with a Planned Unit Development, Vesting Tentative Tract Map 8042, a Preliminary Grading Plan and Private Street For 16 Home Lots**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council continued the item to October 12, 2010 and directed the City Clerk to republish the appropriate public hearing notice.

Ayes: Mayor Wasserman  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: Vice Mayor Wieckowski  
Abstain: None

**2.8 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider Planning Commission Recommendation to Approve: a General Plan Amendment from Low Density, 2.5-3.5 units per acre, to Low Density, 3-5 units per acre; Introduce an Ordinance Rezoning from Single-Family Residence R-1-20(HOD)(H-I)/R-1-20(HOD)(H-I)(F-W) to Single-Family Residence R-1-10(HOD)(H-1)/R-1-10(HOD)(H-I)(F-W); a Planned Unit Development; a Private Street; and a Vesting Tentative Parcel**

**Map (VTPM9901) to Subdivide a 23,466 Square Foot Parcel into Two Lots Located at 43116 Mission Boulevard/111 Telles Lane in the Mission San Jose Planning Area**

(This item was removed from the Consent Calendar)

Planning Director Jeff Schwob provided a brief overview of the project. Mayor Wasserman opened the public hearing. Mike Hollenback spoke in opposition to the project and expressed concern related to the lot sizes and water run-off into Mission Creek. The speaker responded to questions from Councilmembers. There were no other speakers. Mayor Wasserman closed the public hearing. Pam Young (Applicant) and staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held a public hearing.
2. Adopted the Mitigated Negative Declaration and Mitigation Monitoring Program, as shown in Exhibit "A" and found this action reflects the independent judgment of the City of Fremont.
3. Found that the General Plan Amendment, Rezoning, Planned Unit Development, and Private Street (PLN2010-00104), as shown in Exhibits "B," "C," "D," and "E," respectively, are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, and policies set forth in the General Plan's Land Use, Natural Resource, and Health and Safety Chapters, as enumerated within the staff report.
4. Found that the proposed subdivision (Vesting Tentative Parcel Map 9901), as shown in Exhibit "E," is consistent with the designations, goals, and policies of the City of Fremont's General Plan, and that none of those findings requiring denial of Vesting Tentative Parcel Map 9901 can be made in this instance as set forth in Exhibit "F."
5. Approved the Planned Unit Development, Private Street, and Vesting Tentative Parcel Map (PLN2010-00104) as shown in Exhibits "D" and "E," respectively, subject to findings and conditions in Exhibit "F."
6. Waived full reading and introduced the draft ordinance rezoning the property.
7. Adopted Resolution No. 2010-56 amending the General Plan.
8. Directed staff to prepare and the City Clerk to publish a summary of the ordinance rezoning the property.
9. Approved relocation of the 30-inch Canary Island Palm from the corner of Telles Lane to the landscape planter on the south side of Telles Lane.

Ayes: Mayor Wasserman  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: Vice Mayor Wieckowski  
Abstain: None

- \* **2.9 Mayor Wasserman opened consideration of Adoption of a Resolution Approving a Project Operating Agreement with the East Bay Regional Communications System Authority (EBRCSA) to Own, Build, and Operate a P-25 Compliant Communications System and Authorizing the City Manager, or Designee, to Execute Implementing Documents and Appropriate \$1,458,150 to Fund 599 for PWC 8673 for the One-Time Service Payment of the City's Portion of the Total Debt and Adopt a Resolution of Intention to Reimburse this Amount with COP Proceeds**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Authorized the City Manager or designee to negotiate and execute an agreement with the East Bay Regional Communications System Authority (EBRCSA) to Own, Build, and Operate a P-25 Compliant Communications System and to execute implementing documents, subject to City Attorney approval.
2. Appropriated \$1,458,150 to Fund 599 PWC 8673 for the one-time service payment from the execution and implementation of the Project Operating Agreement for the City's portion of the total debt.
3. Adopted Resolution No. 2010-57 expressing official intent to reimburse the Service Payment from the proceeds of a future issuance of certifications of participation.

Ayes: Mayor Wasserman  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: Vice Mayor Wieckowski  
Abstain: None

### **3. CEREMONIAL ITEMS**

#### **3.1 Proclamation: Recognition of the California Youth Energy Services Program**

### **4. PUBLIC COMMUNICATIONS**

#### **4.1 Oral and Written Communications – None.**

### **5. SCHEDULED ITEMS – None.**

### **6. REPORT FROM CITY ATTORNEY**

#### **6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.**

### **7. OTHER BUSINESS**

#### **7.1 REPORT ON THE STATUS BY PG&E OF NATURAL GAS PIPELINES IN THE CITY OF FREMONT**

Tom Guarino (PG&E East Bay Government Relations Manager) provided background information related to the pipeline system and an update on the condition of gas pipelines that run through Fremont, which included Line 131 and Line 107. Fire Chief Bruce Martin provided information related to a meeting with PG&E representatives and provided PG&E contact information so that Fremont residents may learn more about whether or not their home or business is located near a gas transmission pipeline. Mayor Wasserman opened the item for public comment. Bruce Onken expressed various concerns related to Pipeline 131 which is located near his home. There were no other speakers. Mayor Wasserman closed public comment. Mr. Guarino and staff responded to questions from the speaker and Councilmembers. Councilmembers provided comment. No action was taken.

## **7.2 STATUS REPORT ON PROPOSITION 22**

City Manager Fred Diaz provided a status report on Proposition 22, the Local Taxpayer, Public Safety and Transportation Protection Act that is a proposed constitutional amendment on California's November 2010 statewide ballot. Councilmembers provided comment. No action was taken.

## **8. COUNCIL COMMUNICATIONS**

### **8.1 Council Referrals – None.**

### **8.2 Oral Reports on Meetings and Events**

Councilmembers reported on their various meetings and activities.

## **9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 8:15 p.m.

Attest:

Approved:

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Dawn G. Abrahamson, City Clerk

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BOB WASSERMAN, Mayor